

REMARKS

This paper is being submitted in response to the Final Office Action mailed in the application on September 28, 2005. Claims 1, 3, 7, 12, 14, 18 and 23 have been amended.

A Request for Continued Examination (RCE) and a check for \$790 to cover the RCE filing fee payment are being filed with this Amendment. Authorization is granted to charge our deposit account no. 03-3415 for any additional fees necessary for entry of this Amendment.

The Examiner has rejected claims 12-18, 20-21 and 23 under 35 USC §101 as being directed to a non-statutory subject matter. The Examiner has argued that claims 12 and 23 are directed to disembodied data structure claim which are per se not statutory. Applicants have amended applicants' independent claims 12 and 23, as suggested by the Examiner, to recite a "computer readable storage medium storing a program executable by a computer..." and a "computer program stored in a computer readable storage medium and executable on a computer..." respectively. Applicants believe that applicants' amended independent claims 12 and 23, and their respective dependent claims are directed to statutory subject matter in compliance with 35 USC §101, and that the Examiner's rejection is therefore obviated.

The Examiner has also rejected applicants' claims 1-7, 9-10, 12-18, 20-21 and 23 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner has argued that the limitation "a print instruction by an operator of the information processing apparatus" in independent claims 1, 12 and 23 was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner has also objected to the specification under 35 USC §132(a) as introducing new matter into the disclosure because the added material "a print instruction by an operator of the

information processing apparatus and wherein the information processing apparatus serves as a host computer” in claims 1, 12 and 23 is not supported by the original disclosure. Applicants have amended applicants’ independent claims 1, 12 and 23 to remove the limitations objected to by the Examiner, thereby obviating the Examiner’s rejection of applicants’ claims 1, 12 and 23, and their respective dependent claims, and the Examiner’s objection to applicants’ disclosure.

The Examiner has also rejected applicants’ claims 1-7, 9, 12-18, 20 and 23 under 35 USC §102(e) as being anticipated by the Arledge, Jr. et al. (U.S. Patent No. 6,535,294) patent. The Examiner has rejected applicants’ claims 10 and 21 under 35 USC §103(a) as being obvious over the Arledge, et al. patent in view of Official Notice. Applicants have amended applicants’ independent claims 1, 12 and 23, and with respect to these claims, and their respective dependent claims, the Examiner’s rejections are respectfully traversed.

The constructions recited in applicants’ amended independent claims 1, 12 and 23 are not taught or suggested by the cited art of record. In particular, applicants’ independent claim 1 has been amended to recite an information processing apparatus capable of printing data by using another apparatus connected to a network, comprising discrimination unit configured to discriminate a number of pages which are printed in a sheet of paper, during a predetermined process of making a print data recognizable by the other apparatus, and calculating unit configured to calculate a print charge based on a discrimination result discriminated by the discrimination unit before the print data is sent to the network, wherein the calculating unit calculates the print charge before the print data is sent to the network. Applicants’ independent claims 12 and 23 have been similarly amended.

The cited Arledge, et al. reference does not teach or suggest discriminating a number of pages printed in a sheet of paper during a predetermined process of making print data recognizable by the other apparatus. The Arledge, et al. patent only teaches that after a new order for a customized printed product is submitted into production, the order file is transferred to a workflow management server computer (280) where the image of the printed product is formatted with reference to an information database to prepare the file for printing and verified. Col. 21, lines 47-57. Arledge, et al. further discloses that after the formatting and verification, the formatted file is “automatically submitted into production.” Col. 21, lines 58-60. Thus, the Arledge, et al. reference merely discloses that the print data is formatted before being printed and makes no mention of discriminating a number of pages which are printed in a sheet of paper during a predetermined process of making the print data recognizable by the printing apparatus. Accordingly, applicants’ independent claims 1, 12 and 23, each of which recites such feature, patentably distinguish over the Arledge, et al. patent.

Moreover, the Arledge, et al. patent fails to teach or suggest calculating a print charge based on the discrimination result of discriminating a number of pages printed in a sheet of paper. The Arledge, et al. patent discloses a printed products preparation system (201) provided in a wholesaler computer (140), which comprises a plurality of databases, including a product database with information relating to available customizable print products, e.g. product types, size, pricing, etc., a procedures library (240), including a procedure for calculating a charge of the order, and a support files library. Col. 9, lines 1-38. In Arledge, et al., the charge for a user’s customized print order is calculated after the user completes the order, based on the products selected by the user in the order and on the information stored in the product database relating to such product(s). See, Col. 10, lines 11-28 (“the stored procedures library 240 may

include a procedure 241 to calculate a price after the end-user has completed the order”). There is, therefore, no teaching or suggestion in the Arledge, et al. patent of calculating the print charge based on the discrimination result of discriminating the number of pages printed in a sheet of paper during the process of making print data recognizable. Accordingly, applicants again submit that applicants’ amended independent claims 1, 12 and 23, which recite such features, and their respective dependent claims, are patentable over the Arledge, et al. reference. Furthermore, the Examiner’s Official Notice that it would be obvious to incorporate a feature of updating stored information adds nothing to change this conclusion.

In view of the above, it is submitted that applicants’ claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants’ counsel at (212) 790-9286.

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Respectfully submitted,



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